



PATENT  
Attorney Docket 040750-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: **Ivan Gout et al.**

Application No. **09/762,258**

Group Art Unit: **1652**

Filed: **May 29, 2001**

Examiner: **Delia M. Ramirez**

For: **Identification and functional characterization of  
a novel ribosomal S6 protein kinase**

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**RESPONSE TO RESTRICTION REQUIREMENT & AMENDMENT UNDER 37 C.F.R. 1.115**

In response to the Restriction Requirement dated August 26, 2002 (Paper No. 6), the period for response having been extended from September 26, 2002 to October 26, 2002 by payment of a one-month extension of time. This response is being filed under the next business day rule on Monday, October 28, 2002 as the due date for responding falling on a weekend (Saturday, October 26, 2002). Please amend the above-referenced application as follows:

**In the Claims:**

**Please amend claims 29 and 35 as follows:**

a1 29. (Once Amended) The method of claim 28, wherein the level of p70β<sup>S6k</sup> expression is determined by measuring the level of a nucleic acid encoding a p70β<sup>S6k</sup> protein.

a2 35. (Once Amended) A vector comprising a nucleic acid encoding a p70β<sup>S6k</sup> protein.

**Please add new claims 37-55 as following:**

37. The vector of claim 35, wherein the nucleic acid comprises SEQ ID NO: 1.

38. The vector of claim 35, wherein the nucleic acid encodes an activated p70β<sup>S6k</sup> protein.

a3 39. The vector of claim 38, wherein the activated p70β<sup>S6k</sup> protein contains a substitution at a position corresponding to amino acid residue 401 of SEQ ID NO: 2.

40. The vector of claim 39, wherein the substitution at position 401 is threonine for aspartic acid.

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02 FC:2201 84.00 CH  
03 FC:2202 162.00 CH